REMARKS

Claims 3, 10 and 17 have been canceled, claims 22-33 have been added, and claims 1, 8, 11, 14-16 and 18-21 have been amended. Claims 1, 2, 4-9, 11-16 and 18-33 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 101 Rejections:

The Office Action rejected claims 15-21 under 35 U.S.C. § 101 because the description in the specification of a computer-accessible medium as recited in these claims includes non-tangible transmission media. Pursuant to the Examiner's suggestion, Applicants have amended pending claims 15, 16, and 18-21 to recite a tangible, computer-accessible storage medium. Applicants submit that in view of this amendment, the rejection has been overcome and respectfully request that it be withdrawn.

Section 102(b) Rejections:

The Office Action rejected claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19 and 21 under 35 U.S.C. § 102(b) as being anticipated by Gruse et al. (U.S. Patent No. 6,389,538) (hereinafter, "Gruse"), and claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by Oren et al. (U.S. Patent No. 6,240,401) (hereinafter, "Oren"). Although Applicants traverse these rejections, Applicants have amended claims 1, 8 and 15 to further clarify distinctive features of the claims. Applicants submit that the amended claims are distinguishable over Gruse and Oren, separately and in combination, for at least the reasons given below.

Neither Gruse nor Oren teach or suggest all of the limitations of amended claim 1. Specifically, the cited references do not teach or suggest a system comprising a storage device configured to provide a storage space for data storage and <u>a file system configured to map a plurality of files to the storage space for storage and to manage application</u>

accesses to the storage device, wherein the file system is configured to determine a signature of a first one of the plurality of files dependent upon at least a portion of the first file; detect an operation to access content of the first file stored on the storage device, wherein the operation is generated by an application distinct from the file system; and in response to detecting the operation, store a record of the operation associated with the first file, wherein the record includes the signature corresponding to the first file, information indicating a type of the operation, and information identifying the application.

Neither Gruse nor Oren teach or suggest any aspect of a file system that maps files to a storage space of a storage device for storage and manages application accesses to the storage device. Gruse is directed to "a system and related tools for the secure delivery and rights management of digital assets, such as print media, films, games, and music over global communications networks such as the Internet and the World Wide Web." (Gruse, col. 1, lines 59-63) Specifically, Gruse discloses Electronic Digital Content Stores 130 and End-User Devices 109 that may be connected by a transmission network that may include the Internet or broadcast distribution models (col. 14, lines 50-55). However, Gruse provides no evidence whatsoever that his methods and techniques are implemented within a file system that is configured to map files to a storage device and to manage application accesses to the storage device. As recited in claim 1, a file system defines functionality that is interposed between a storage device and an application seeking to access data stored thereon.

By contrast, Gruse's system functions at a completely different level of operation than that recited in claim 1. As described above, Gruse is directed to techniques for secure delivery of content from one point to another across a network. As noted in col. 81, lines 30-66, the End-User Device 109 includes several software applications: a Secure Container (SC) Processor 192 that is configured for integration within a web browser 191, and a stand-alone player application 195 configured to play back content. Neither of these corresponds to a file system configured to manage application accesses to a storage device, as in claim 1; in fact, these disclosures of Gruse correspond to

applications that would be managed by such a file system. Moreover, in Gruse, operations to determine whether restricted content is authorized for playback or other use are not performed within a file system, but instead by SC Processor 192. Gruse clearly discloses that SC Processor 192 is implemented as an adjunct to web browser 191, which is not a file system but rather an application.

Still further, Gruse does not disclose any aspect of a file system determining a signature of a file, detecting an operation to access content of a file generated by an application distinct from the file system, and storing a record of the operation, as required by claim 1. Tracking content access at the file system level is substantially different than the application-level content access control described in Gruse's system. Gruse's system is capable of controlling access to only that content that is recognized by player application 195. By contrast, in tracking content access, the file system of claim 1 bears no dependence on the type of application performing the access.

Similar arguments apply to the disclosures of Oren. Like Gruse, Oren is generally directed to a system for processing transactions associated with access to secure or licensed content (col. 1, lines 5-17). However, while Oren discloses a "journal file" 16, Oren does not disclose in any fashion that records of content accesses generated by applications are stored by a file system in response to their detection. Like Gruse, Oren's system is silent as to involvement of a file system. The abstract "tickets" and "play records" described by Owen are completely distinct from and in no way suggestive of application operations to access files managed by a file system, where the operations are detected and recorded by the file system itself.

Applicants note that independent claims 8 and 15 have been amended to clarify the role of the file system in performing the recited actions. Thus, for at least the foregoing reasons, Applicants submit that independent claims 1, 8 and 15 are neither anticipated by nor obvious in view of either Gruse or Oren, or any combination thereof. Applicants further note that numerous ones of the dependent claims recite further distinctions over the cited references. However, as the independent claims have been

shown to be distinguishable, further discussion of the dependent claims is unnecessary at this time.

Section 103(a) Rejections:

The Office Action rejected claims 3, 10, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Gruse in view of Arai et al. (U.S. Patent Application Publication No. 2001/0025311), and claims 6, 13 and 206, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Gruse in view of Alumbaugh et al. (U.S. Patent Application Publication No. 2003/0172368). Applicants traverse these rejections and submit that the pending dependent claims are distinguishable over the cited references for at least the reasons given above with respect to the independent claims.

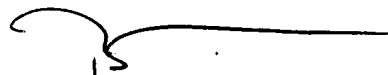**Provisional Obviousness-Type Double Patenting Rejection:**

The Office Action provisionally rejected claims 1-21 on the ground of nonstatutory obviousness-type double patenting over claims 1-5, 7-12 and 14-20 of copending application Serial No. 10/723,704. Applicants acknowledge the provisional rejection and will address it should it become non-provisional.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-16000/BNK.

Respectfully submitted,

B Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8840

Date: August 21, 2006